



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/800,670

03/16/2004

Paul Vincent

Q80358

3012

23373 7590 04/27/2007  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

NALVEN, ANDREW L

ART UNIT

PAPER NUMBER

2134

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
|--|-----------|---------------|

3 MONTHS

04/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/800,670

**Applicant(s)**

VINCENT ET AL.

**Examiner**

Andrew L. Nalven

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 6-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/16/2004
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-13 are pending.

### *Response to Arguments*

Applicant's election with traverse of claims 1-5 in the reply filed on 12 April 2007 is acknowledged. The traversal is on the ground(s) that claims 6 and 10 cannot be practiced except in connection with the service of claim 1 and that claim 10 provides a stamp provider that is inherent in the system of claim 1. This is not found persuasive for the following reasons. First, the stamp provider of claim 10 is not inherent nor required for the operation of claim 1. Claim 1 can operate without a stamp provider because there are alternate methods by which the stamp may be added to the message. For instance, the sender may add the stamp to the message. Further, Examiner disagrees that the method of claim 6 cannot be practiced without the system of claim 1. Claim 6 provides for the sending of a message from a sender to a receiver. The invention of claim 1 is not required for the operation of claim 6. Further evidence for this lies in the fact that claims 1 and 6 contain diverging subject matter because claim 6-9 contain limitations directed towards the providing of a stamp and the invalidating of a stamp. The divergent subject matter creates a burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-5 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Little et al US PGPub 2003/0172122 in view of Gupta et al US Patent No. 6,389,532.

3. **With regards to claim 1**, Little teaches multimedia messaging (Little, paragraphs 0021, voice or data, paragraph 0013, electronic mail messaging with MIME), but fails to teach a multimedia message service center validating an electronic stamp. However, Gupta teaches a message service center (Gupta, column 6 lines 57-67, firewall or router) wherein a sent messaging service message includes an electronic stamp whose validity is verified by said multimedia message service center (Gupta, column 7 lines 1-27, signature is validating). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Gupta's method of validation because it offers the advantage of reducing network bottlenecks by discarding packets that are invalid in view of their signatures or lack thereof (Gupta, column 1 lines 25-55).

4. **With regards to claim 2**, Little as modified teaches a header containing parameters relating to the transportation and the content of said message (Gupta, column 5 lines 46-54, IP header) and a body containing elements of said message (Gupta, column 5 lines 30-32, data) and one parameter in said header is a field

corresponding to the stamping of the message (Gupta, column 5 lines 55-65, alert option format).

5. **With regards to claim 3**, Little as modified teaches the value associated with said stamping field in said header is an encrypted numerical value (Little, Figure 2 Item 44, paragraph 0028, signature appended to message, paragraph 0025, signature is an encryption of a hash).

6. **With regards to claim 4**, Little as modified teaches the value associated with said stamping field in said header is a binary value indicating the presence of said electronic stamp in said message body (Gupta, column 5 lines 55-65, alert option format, Little, paragraph 0028, signature appended to message).

7. **With regards to claim 5**, Little as modified teaches a body party of said message body contains said electronic stamp in the form of an encrypted numerical value (Little, Figure 2 Item 44, paragraph 0028, signature appended to message, paragraph 0025, signature is an encryption of a hash).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.


Art Unit: 2134

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Nalven

*AN*

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER